

## REMARKS

Claims 8-12, 16-24 and new claims 25-29 are pending in this application.

**Objections To Claims:** Claims 9, 10, and 12 are objected to regarding formalities of consistent terminology. The amendments to these claims to make the terminology consistent are believed to make this objection moot, are not believed to be limiting amendments, and are not believed to be made for reasons relating to patentability.

Claim 18 is objected to for lack of antecedent basis, and the amendment thereto is believed to make this objection moot and is not believed to be a limiting amendment.

Applicants agree with the Examiner's construction of the claims containing the means plus function language as described in page 2 of the Office Action.

The claims are rejected under 35 USC 102(b) as being anticipated by the previously cited prior art. Applicants respectfully traverse, for the principal reason that none of the cited art teaches a cassette adapted for use in tape printers that is provided with means for stackingly attaching identical cassettes thereto. Most art cited relate to having protrusions/recesses which allow stacking of packages, where the packages contain one or more components to be inserted in a cassette. The art cited relating to stacking a functional device, in this case a film cartridge, pertain to functional protrusions necessarily incorporated into irregularly shaped film cartridges.

**Wouters et al.:** Claims 8-11 stand rejected under 35 USC 102(b) as being anticipated by the previously cited Wouters et al. Claim 8 is directed to a cassette comprising a supply of image receiving tape and a case. The case is a housing for the cassette. The case has means thereon for attaching the cassette to an identically shaped cassette, e.g., a projection on a first side and a depression on a second side, where the projection is sized and positioned to fit into a depression on a second identical cassette, thereby providing stability and allowing a plurality of cassettes to be stacked one atop another, as described in the specification in the first paragraph on page 17.

Wouters et al. does not teach such features. The feature in Wouters et al. which is equivalent to the "case" of claim 8 *does not* have means thereon for attaching the cassette to an identically shaped cassette.

Referring to Fig. 1 of Wouters et al., on the left-hand side thereof there is shown a

cassette, generally designated by reference C (see also col. 5, line 36). On the right-hand side of Figure 1 there is a package, generally designated by reference F, including a carton and spool contents (see also col. 6, lines 21-25). The carton is used to transport the spool contents. In use, the spool contents are transferred to the cassette C on the left-hand side of Figure 1. Thus the cassette C on the left-hand side of Figure 1 corresponds to the "case" of the cassette. The carton on the right-hand side of Figure 1 is used merely to transport the spool contents. This is illustrated in Figure 1 by arrows I and II, which show the transfer of the spool from the transport carton to the cassette case.

As is probably best exemplified by Figure 2 of Wouters et al. the cartons include means (41 and 63) on the top and bottom thereof, which interact with each other when a plurality of cartons are stacked vertically. Thus, in the Wouters et al. disclosure, the cartons for transporting spools are provided with means for attaching the cartons. However, claim 8 is limited not to any container that contains rolls of tape, but rather to cassettes. The cassettes of Wouters et al., as illustrated on the left-hand side of Figure 1, are not provided with means on the casing thereof for attaching the cassette to an identically shaped cassette.

The present invention provides a simplified technique for stacking cassettes, whereas Wouters et al. provides a technique for stacking cartons, which may contain spools. As Wouters et al. does not teach the limitations of claim 8 and of claims depending therefrom, it is respectfully requested that this rejection be reconsidered and withdrawn.

**Herberger '036:** Claims 8-10 stand rejected under 35 USC 102(b) as being anticipated by the previously cited Herberger '036. However, as explained in the above argument relating to Wouters et al., claim 8 is limited to a cassette. While claim terms are to be given their ordinary and customary meaning unless otherwise stated, applicants do not and did not when filing the application intend the term "cassette" to include film cartridge. A cassette, as described in for example the American Heritage College Dictionary, Third Edition, 1997 (copy attached) defines a "cassette" to be "1. A small flat case containing two or more reels . . ." (or) 2. A lightproof cartridge containing photographic film or plates used in specially designed cameras." Applicants have amended claim 8 to recite the originally intended meaning of the word cassette, which is "a cassette adapted for use in a tape printing apparatus." Support for this amendment can be found for example in the title of the application and in the first paragraph on page 1 of the specification. Herberger discloses a film cartridge. As such, independent claim 8 as amended is not anticipated by Herberger, and similarly nor are claims 9 and 10. As Herberger

does not teach the limitations of claim 8 and of claims depending therefrom, it is respectfully requested that this rejection be reconsidered and withdrawn.

**Behrens et al. in view of Murata et al.:** Claims 8-9 stand rejected under 35 USC 103(a) as being obvious over the previously cited Behrens et al. and Murata et al. With regard to Behrens et al., there is disclosed in Figure 1 a cassette 1 having a supply spool 7. As illustrated in Figure 1 and described in column 2 lines 2-4, the cassette generally comprises a case composed of a cup-shaped bottom member 2 and a cover 3. There is no disclosure in Figure 1 of any means for attaching the cassette shown to an identically shaped cassette. The Examiner has suggested that Fig. 3 (the means 39, 43, 44) discloses means for attaching a cassette to an identically shaped cassette. This is incorrect. Figure 3 does not disclose a cassette, but rather discloses “for shipping and storage of the ribbon spools, a package 47 as shown in Figure 3 is provided...” (See Behrens et al., column 3, lines 4 and 5). Thus, figure three shows a package useful for shipping and storage of the spool 7 from the cassette of Figure 1, but Figure 3 does not show a cassette or a case of a cassette. Figure 3 shows a spool from a cassette, which is placed in a package, and the spool and package in combination, by virtue of the projecting handle 39 of the spool and the hole 43 in the top of the package, which enable packages containing spools to be stacked. Thus, Behrens et al. does not disclose a cassette comprising a case, which case has means thereon for attaching a cassette to an identically shaped cassette.

Neither Murata et al. ‘808 nor Murata et al. ‘351 remedy the deficiency of Behrens et al. With regards to the Murata et al. art, this document is relied upon insofar as the Examiner considers that it teaches the image receiving tape. However, as set out hereinabove, claim 8 is further distinct over Behrens et al., in that Behrens et al. does not disclose a cassette comprising a case having means thereon for attaching the cassette to an identically shaped cassette. There is no disclosure of such a feature in either Murata et al., and neither does the Examiner allege that such feature is disclosed in Murata et al.

Independent claim 8 is clearly distinct over Behrens et al. and Murata et al. in combination, the combination of such documents not teaching a cassette comprising a case having means thereon for stackably attaching the cassette to an identically shaped cassette. As such, the claims depending upon claim 8, and in particular claim 9, are distinct over such combination of prior art. As Behrens et al. and Murata et al. do not teach the limitations of claim 8 and of claims depending therefrom, it is respectfully requested that this rejection be reconsidered and withdrawn.

**Murata et al. '808 in view of Herberger '036:** Claims 8-12 and 16-24 stand rejected under 35 USC 103(a) as being obvious over Herberger '036 and Murata et al. '808.

Mutata et al. discloses, as acknowledged by the Examiner, a cassette (generally designated by reference numeral 12 in Figure 5, having a diamond-shaped retaining member (43) for enabling attachment and placement of the cassette to a computer. As set out in the paragraph bridging columns 5 and 6 of Murata et al., the member 43 has a specific functional purpose, which is to force the tape cartridge towards the thermal head with a predetermined pressure once the cartridge has been inserted into the computer body. As acknowledged by the Examiner, Murata et al. does not teach that the cassette comprises a case having means thereon for attaching the cassette to an identically shaped cassette.

Herberger discloses a film cartridge in which one end wall has a protrusion extending therefrom, and, another end wall has a recess configured to accommodate the protrusion of an adjacent cartridge to facilitate the stacking of the cartridges. The protrusion (29) is provided on the film cartridge as an essential functional feature associated therewith. Specifically the protrusion encloses a gear, which gear must extend beyond the surface of the film cartridge in order to engage - in use - with a camera gear (see column 3, lines 15-19). In Herberger, the provision of the covered protrusion 29, in order to achieve an essential function of the film cartridge, creates a problem for the handling and storage of film cartridges. Specifically, when stacked the film cartridges would fan out due to the necessary shape of the cartridges. As such, the stacking of multiple film cartridges would be difficult. See Herberger, column 1, lines 35-50.

Herberger solves this problem by providing a recess (33) in the opposite surface of the film cartridge, such that when film cartridges are stacked the recess 33 cooperates with the cover 29 to provide a flat stacked structure as shown in Figure 4. See Herberger, column 3, lines 33-45. Thus, Herberger solves a particular problem associated with the fact that for essential functional purposes the film cartridge is provided with a protrusion which does not facilitate stacking of the film cartridge, and his solution is to provide a complementary recess to accommodate a protrusion from the adjoining film cartridge.

First, there is no teaching in Herberger nor Mutata et al. for "the recess and the upstanding portion have a generally rectangular cross section" as recited by claims 11, 20, and newly added claims 26-28. Support for the newly added claims can be found for example on page 17, first paragraph. The protrusion of Murata has a defined diamond shape, and Herberger

has a circular shape. Further, it is clear from Figures 7 and 8a, b that the diamond shape of Murata et al. is essential for functionality, as the rollers 57, 58 react with the angled walls of protrusion 43 to generate a force normal to a line extending between rollers 57, 58. A rectangular shape would either not generate any force (claim 27), or would generate a undesirable force that is not normal to the line between the rollers (claim 26). As such a shape would defeat the functionality of the protrusion in Murata et al., Murata et al. can not be used in combination with other art using hindsight to reject the invention. As Herberger and Murata et al. do not teach the limitations of claims 11, 20, and 26-28, it is respectfully requested that this rejection be reconsidered and withdrawn for claims 11, 20, and prospectively for claims 26-28.

Similarly, here is no teaching in Herberger nor Mutata et al. for a recess on the first wall to extend to a side of the first wall as recited in claims 19-20, and newly added claims 28-29. The functionality of such a recess to provide guidance during installation of the cassette and to provide stackability of more than two cassettes without any additional element, described in the specification in page 17, first paragraph, is likewise not disclosed in either Herberger nor Mutata et al. As Herberger and Murata et al. do not teach the limitations of claims 19-20 and 28-29, it is respectfully requested that this rejection be reconsidered and withdrawn for claims 19-20 and prospectively for claims 28-29.

Similarly, there is no teaching in Herberger nor Mutata et al. for a stack of more than two cassettes to be stable without additional support, as recited in new claim 25 and as described in the specification on page 17, last sentence of the first paragraph.

Finally, with respect to all pending claims, there is no motivation for one of ordinary skill in the art to incorporate a recess used in a film cartridge into a cassette. First, the fields of art are not related, and one of ordinary skill in the art in manufacturing cassettes for tape printers would not look to solutions for stacking the special shapes used for film cartridges (see for example figure 1 of Herberger) on a small flat cassette. Second, there is no motivation in Murata et al. '808 to address any problem with stacking. Motivation should come from the cited references, and the Examiner has not pointed to any discussion in Murata et al. relating to the need to stack cassettes, or any problems associated therewith.

Turning again now to Murata et al., there is no teaching or disclosure in Murata et al. which would leave the skilled person to believe that: 1) there is any desirability to stack cassettes of Murata et al.; and 2) that there is any problem associated with stacking the cassettes of Murata et al. As is clear from the figures of Murata et al., such as Figures 5 and 6, the

cassettes shown therein are wide and flat. There is no reason to suggest that they would be unstable when stacked, should some motivation be provided for the skilled person to attend to stack the cassettes. There is no suggestion, should the skilled person be motivated to stack the cassettes of Murata et al., that the "fanning out" problem of Herberger would be encountered. If anything, the wide flat surfaces of Murata et al. with cassettes of relatively very small height, suggest a stable surface for stacking. This contrasts with Herberger, where the narrow surface with cartridges of relatively tall height and irregular shape, require additional support for stacking.

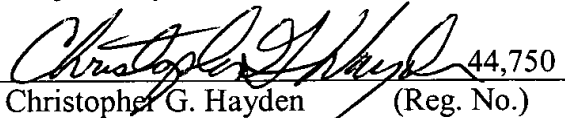
As such, the skilled person faced with Murata et al. is not presented with the same problem as is discussed in Herberger, and there is no motivation to provide means for easy stacking. The foregoing comments in relation to claim 8 apply equally to independent claim 16. The remaining claims depend upon one of claims 8 and 16, and therefore are non-obvious for the reasons set out hereinabove. For the reasons stated above, it is respectfully requested that this rejection be reconsidered and withdrawn for claims 8-12, 16-24, and prospectively for claims 25-29.

It is believed that there is no fee required for this Amendment other than the extension fee which is filed separately. However, the Patent Office is authorized to charge any fee deemed necessary to the Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310. A copy of this sheet is enclosed.

Date: January 8, 2004

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Respectfully submitted,

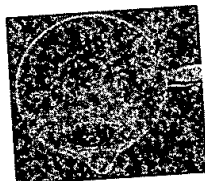
  
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NEWEST definitions – over 200,000  
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THIRD EDITION



casserole  
Pouring liquid sulfur from a  
porcelain casserole



cassowary  
Southern cassowary  
*Casuarius casuarius*



castanet

*(Manihot esculenta)* widely grown for its starchy roots. 2. The root of this plant, eaten as a staple food in the tropics after leaching and drying to remove cyanide. [Ult. < Taino *casavi*, flour from manioc.]

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**Cas-sel** (käs'el, kä'sal) See **Kassel**.  
**cas-se-rol** (käs'ä-röl') n. 1. a. A dish, usu. of earthenware or glass, in which food is baked and served. b. Food prepared and served in such a dish. 2. *Chem.* A small-handled crucible used for heating and evaporating. [Fr., saucepan, dim. of *Ofr.* *casse*, ladle, pan < *OProv.* *cassa* < *Med.Lat.* *cattia*, dipper < *Gk.* *kuathion*, dim. of *kuathos*, ladle.]

**cas-sette** (kä'sët', kä-) n. 1. A small flat case containing two reels and a length of magnetic tape that winds between them, used esp. in audio or video tape recorders or players. 2. A lightproof cartridge containing photographic film or plates, used in specially designed cameras. [Fr., small box < *Ofr.*, dim. of Norman Fr. *casse*, case. See *case*².]

**cas-sia** (käsh'ä) n. 1. Any of various chiefly tropical or subtropical trees, shrubs, or herbs of the genus *Cassia* in the pea family, having pinnately compound leaves and long pods. 2. a. A tropical Asian evergreen tree (*Cinnamomum cassia*) having aromatic bark used as a substitute for cinnamon. b. The bark of this tree. [ME < Lat., a kind of plant < *Gk.* *kassia*, of Semitic orig.]

**cas-si-mere** also **cas-i-mere** (käs'ä-mir', kä's-) n. A plain or twilled woolen cloth used for suits. [Var. of **CASHMERE**.]

**Cas-sin** (kä-sän'), René. 1887-1976. French jurist who won the 1968 Nobel Peace Prize.

**cas-si-na** also **cas-se-na** or **cas-se-ne** or **cas-si-ne** (kä-sē'-nä) n. Bot. 1. See **dahoon**. 2. See **yaupon**. [Am.Sp., yaupon < Timucua *kasine*.]

**cas-si-no** (kä-sē'nō) n. Games. Var. of **casino**. 2. **Cas-si-no** (kä-sē'nō, kä-) n. A town of central Italy in the Apennines NW of Naples. The town and nearby monastery of Monte Cassino were reduced to rubble during fierce German Allied fighting (Feb.-May 1944). Pop. 26,300.

**Cas-si-o-pe-a** (käs'ē-ä-pē'ä) n. A W-shaped constellation in the Northern Hemisphere between Andromeda and Cepheus. [Lat. *Cassiopea* < *Gk.* *Kassiopeia*.]

**Cas-sir-er** (kä-sir'är, kä-), Ernst. 1874-1945. German philosopher who was concerned with the formation of concepts.

**cas-sis** (kä-sēs') n. 1. A Eurasian currant (*Ribes nigrum*) bearing black berries. 2. A cordial made from the berries of this plant. [Fr. < Lat. *cassia*, a kind of plant. See **CASSIA**.]

**cas-sit-er-ite** (kä-sit'ä-rīt') n. A light yellow, red-brown, or black mineral,  $\text{SnO}_2$ , that is an important tin ore. [Fr. *cassiterite* < *Gk.* *kassiteros*, tin.]

**Cas-sius Lon-gi-nus** (käsh'as lön-jī'nas), Gaius. d. 42 a.c. Roman general and politician who was a leading member of the conspiracy to assassinate Julius Caesar.

**cas-sock** (käs'sök) n. A long garment with a close-fitting waist and sleeves, worn by the clergy and others assisting in church services. [Fr. *casaque*, long coat < *Ofr.*, perh. < Ital. *casacca* < Pers. *kazhagand*, padded garment: *kazh*, raw silk + *agand*, stuffed.]

**cas-sou-let** (käs'sō-lät') n. A casserole of white beans, various meats, vegetables, and herbs, slowly simmered or baked. [Fr., stove dish, dim. of *cassole*, earthenware vessel < *casso* < *OProv.* *cassa*. See **CASSEROLE**.]

**cas-so-war-y** (käs'ä-wär'ē) n., pl. -ies. Any of several large flightless birds of the genus *Casuarius* of Australia, New Guinea, and adjacent areas, having a large bony projection on the top of the head and brightly colored wattles. [Malay *kasuari*.]

**cast** (käst) v. **cast, cast-ing, casts.** — *tr.* 1. To throw; hurl. See **Syns at throw**. 2. To shed; molt. 3. To throw on the ground, as in wrestling. 4. To deposit or indicate (a ballot or vote). 5. To turn or direct: *all eyes cast upon her*. 6. To cause to fall onto or over something or in a certain direction, as if by throwing: *cast doubt*. 7. To bestow; confer. 8. To draw (lots). 9. To give birth to prematurely. 10. To cause (hounds) to scatter and circle in search of a lost scent. 11. a. To choose actors for (a play, for example). b. To assign a certain role to (an actor). c. To assign an actor to a particular shape by pouring (liquid metal, for example) into a particular shape by pouring into a mold. 12. To calculate or compute; add up (a column of figures). 13. To give a form to; arrange. 14. To contrive; devise. 15. To calculate astrologically. 17. To warp; twist: *floorboards cast by age*. — *intr.* 1. To throw something, esp. floorboards cast by age. 2. To add a column of figures to a conjecture or a forefigure; make calculations. 3. To make a conjecture or a forefigure; make calculations. 4. To receive form or shape in a mold. 5. To search for a lost scent in hunting with hounds. 6. To choose actors for a play or movie. 7. *Obsolete*. To estimate; compare, as in a play or movie. 8. *Obsolete*. To estimate; compare, as in a play or movie. 9. *Obsolete*. To estimate; compare, as in a play or movie. 10. *Obsolete*. To estimate; compare, as in a play or movie. 11. *Obsolete*. To estimate; compare, as in a play or movie. 12. *Obsolete*. To estimate; compare, as in a play or movie. 13. *Obsolete*. To estimate; compare, as in a play or movie. 14. *Obsolete*. To estimate; compare, as in a play or movie. 15. *Obsolete*. To estimate; compare, as in a play or movie. 16. *Obsolete*. To estimate; compare, as in a play or movie. 17. *Obsolete*. To estimate; compare, as in a play or movie. 18. *Obsolete*. 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